

VIA ECFS

EX PARTE

October 6, 2009

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW, Suite TW-A325
Washington, DC 20554

Re: GN Docket No. 09-51, WC Docket No. 06-172, WC Docket No. 07-97, WC Docket 04-313

Dear Ms. Dortch:

Yesterday, Jim Geiger, Founder, Chairman and CEO of Cbeyond, Inc. ("Cbeyond"), Bill Weber, Chief Administrative Officer of Cbeyond, Kevin Joseph, Julia Strow and the undersigned held separate meetings with (1) Chairman Julius Genachowski, Colin Crowell, senior counselor to Chairman Genachowski, and David Goldman; (2) Commissioner Meredith Baker and Christi Shewman, acting legal advisor to Commissioner Baker; and (3) Sharon Gillett, Marcus Maher, Don Stockdale, Alexander Minard, Jennifer Prime and Nick Alexander.

During the meetings, Mr. Geiger explained that Cbeyond provides IT applications to small businesses over leased DS1 incumbent LEC loop facilities. The applications Cbeyond provides yield substantial efficiencies for U.S. businesses. But, as Mr. Geiger explained, investment and innovation in the provision of applications for small businesses are artificially constrained by the incumbent LECs' unwillingness to provide firms like Cbeyond with last mile loop facilities (e.g., Ethernet loops) that are suitable for the next generation of such applications. Mr. Geiger explained that, if suitable loop facilities were available at wholesale from the incumbent LECs, Cbeyond and others could provide many new innovative applications that incumbent LECs do not offer to small businesses today. Mr. Geiger also explained that it is critical that the FCC adopt a standard of review for assessing petitions for forbearance from unbundling requirements that utilizes appropriate product market definitions, including separate product markets for services demanded by business customers and residential customers. Mr. Geiger distributed the attached description of the small and medium

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business market during the meetings.

Respectfully submitted,

/s/ Thomas Jones

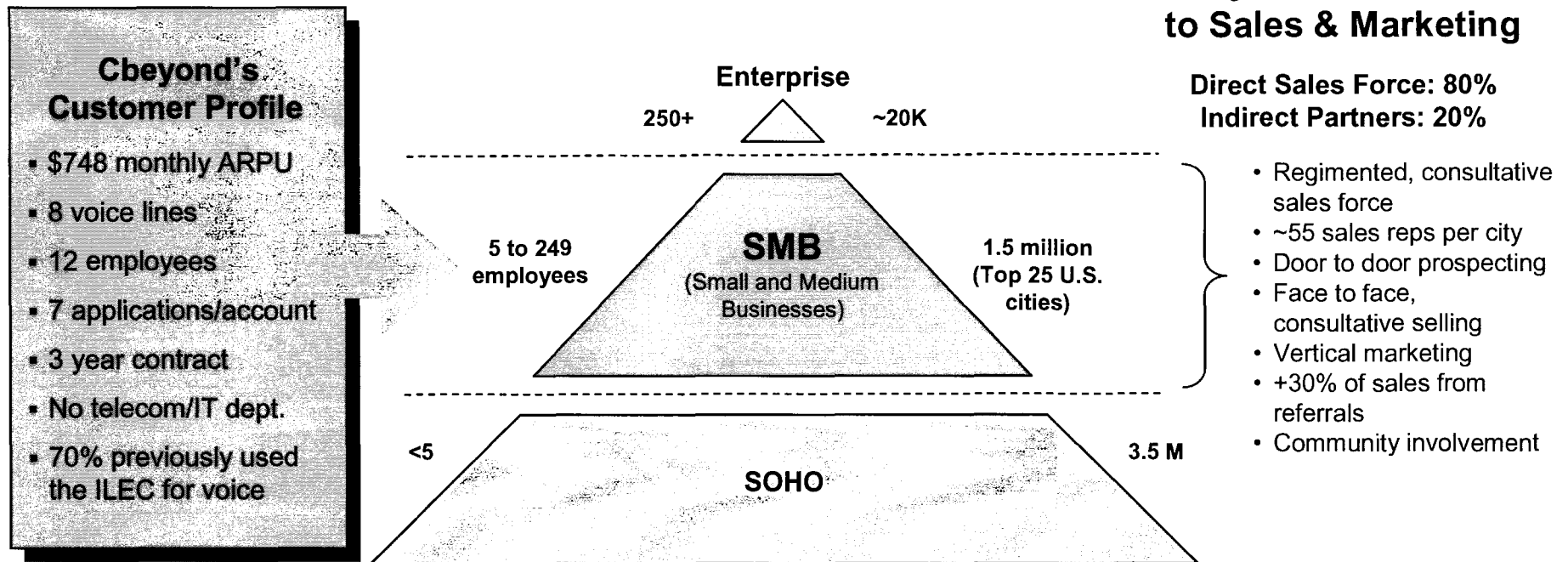
Thomas Jones

cc: Chairman Julius Genachowski
Commissioner Meredith Baker
Colin Crowell
David Goldman
Christi Shewman
Sharon Gillett
Marcus Maher
Donald Stockdale
Alexander Minard
Jennifer Prime
Nicholas Alexander

Our Target Market – The Small Business Entrepreneur

Cbeyond's Approach to Sales & Marketing

Direct Sales Force: 80%
Indirect Partners: 20%



Cbeyond serves small business entrepreneurs who value customer service and productivity enhancing applications over price.